

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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|------------------------------------|---|-----------------------|
| GARY L. GRIFFITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-09-782-D |
| |) | |
| MICHAEL J. ASTRUE, Commissioner of |) | |
| Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

ORDER

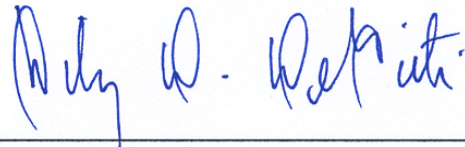
Before the Court is Plaintiff's Motion for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 [Doc. No. 21]. Plaintiff requests an award of fees in the amount of \$5,222.10 for 30.9 hours of legal work performed in this case by his attorney, Casey L. Saunders. Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered April 9, 2010. The Commissioner has filed a response to the Motion stating he has no objection to Plaintiff's request.

After consideration of the Motion, the case record, and the governing law, the Court finds: (1) the Commissioner's position was not substantially justified; (2) Plaintiff is entitled to attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion is GRANTED. The Court orders an award of attorney's fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$5,222.10. Should an additional award of attorney's fees under 42 U.S.C. § 406(b) subsequently

be authorized, Plaintiff's attorney shall reimburse Plaintiff for the smaller amount as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 5th day of May, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE